

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

MOSSY CREEK MINING, LLC,)
Plaintiff,)
v.)
NYRSTAR IDB, LLC, NYRSTAR TENN.) No. 3:10-CV-328
MINES-STRAWBERRY PLAINS, LLC,)
and NYRSTAR NV,)
Defendants.) (Phillips/Shirley)

**ORDER TRANSFERRING THIS CASE AND DENYING DEFENDANTS' MOTIONS TO
DISMISS OR STAY THE PROCEEDINGS PENDING ARBITRATION**

This matter having come before the Court on the motions of the Defendants to dismiss the complaint or, alternatively, to compel arbitration and stay the proceedings pending arbitration [Docs. 6, 8, 17, 19], and the Court having fully considered the matter, it is hereby **ORDERED** for the reasons contained in the memorandum opinion filed this day with the clerk that the Defendants' motions are **DENIED** and this case is **TRANSFERRED**. Whereby:

1. Defendants' requests to dismiss [Docs. 6, 8, 17, 19] the Plaintiff's First Amended Complaint [Doc. 13] are **DENIED**.
2. Defendants' requests to compel arbitration [Docs. 6, 8, 17, 19] are **DENIED**, as this Court lacks statutory authority pursuant to the Federal Arbitration Act to compel arbitration in the forum specified in the parties' arbitration clause.
3. This action will be **TRANSFERRED** to the Northern District of Illinois.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge